

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cv-00095-W**

JAMES FOSTER,

Plaintiff,

vs.

CEVA FREIGHT, LLC, LP,

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's Motion for Summary Judgment (Doc. No. 50) and Defendant's Motion to Strike (Doc. No. 86). The parties have fully briefed these motions, and on January 31, 2012, the Court conducted a hearing whereby the parties presented oral argument on the pending motions. For the reasons stated in open court following the hearing, the Motion to Strike (Doc. No. 86) is GRANTED, and the Motion for Summary Judgment (Doc. No. 50) is GRANTED IN PART and DENIED IN PART.

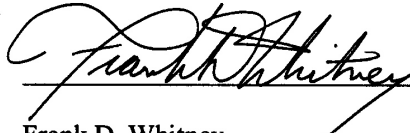
As part of the Court's ruling, several issues arose concerning the case management orders previously entered in this case (Docs. Nos. 26, 64). For the reasons stated in open court, the Court hereby AMENDS these scheduling orders as follows:

1. Plaintiff shall disclose its summary of damages to Defendant no later than close of business February 14, 2012, which is two weeks from the hearing;
2. Defendant shall have until June 30, 2012, to conduct discovery on that summary and to prepare and submit a responsive report;
3. Plaintiff shall have until July 18, 2012, to conduct discovery on Defendant's report;
4. The deadline for mediation is extended to July 18, 2012;

5. The Court declines to extend the deadline for filing dispositive motions; and
6. Trial in this matter shall be set to begin August 20, 2012.

IT IS SO ORDERED.

Signed: February 6, 2012



Frank D. Whitney
United States District Judge

